

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 20

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HILARION BRAUN
Junior Party
(Patent 5,598,196),

v.

STEPHEN TEMPLE and MARK R. SHEPHERD
Senior Party
(Application 08/536,345).

Patent Interference No. 105,282

Before: McKELVEY, Senior Administrative Patent Judge, LANE and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

On 28 February 2005, the board received from Braun “BRAUN REQUEST FOR ENTRY OF ADVERSE JUDGMENT”, in which Braun requests and agrees to entry of adverse judgment under Bd.R. 127(b) (Paper 18). Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4) is awarded against junior party HILARION BRAUN.

FURTHER ORDERED that junior party HILARION BRAUN is not entitled to a patent containing claims 1-3, 6, 8-10 and 12 (corresponding to Count 1) of U.S. patent 5,598,196.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/536,345 and U.S. Patent 5,598,196.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

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